

**161—3.47(216) Periodic review and administrative closure.**

**3.47(1)** *Periodic evaluation of evidence.* The executive director or designee may periodically review the complaint to determine whether further processing is warranted. When the periodic review occurs prior to the determination of probable cause, then the tier one standard in subrule 3.26(5) applies. A complaint determined to not warrant further processing shall be administratively closed.

**3.47(2)** *Uncooperative complainant.* A case file may be administratively closed at any time if the complainant cannot be contacted after diligent efforts or is uncooperative, causing unreasonable delay in the processing of the complaint.

**3.47(3)** *Involuntary satisfactory adjustment.* A case file may be closed as satisfactorily adjusted when the respondent has made an offer of settlement acceptable to the executive director or designee but not to the complainant. Notice of intended closure shall state reasons for closure and be mailed to the complainant. The complainant is allowed 30 days to provide the written reasons why the case file should remain open. The executive director or designee will review the response and notify the complainant of the decision.

**3.47(4)** *Frivolous complaints.* Following jurisdictional review, the executive director may determine a complaint is frivolous and does not warrant further processing. The executive director shall only make this determination in rare circumstances and shall report the number of occurrences in the annual report. If a case file is closed pursuant to this subrule, the complainant may request a right-to-sue letter pursuant to the terms of Iowa Code section 216.16 and these rules. This rule does not apply to complaints that are eligible for cross-filing with the Department of Housing and Urban Development.

**3.47(5)** *Litigation review.* The complaint may be administratively closed after a probable cause determination has been made when it is determined that the record does not justify proceeding to a public hearing. A complainant may not request to reopen their case file when the file was administratively closed following litigation review.

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